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LIMITED TO FEDERAL ADMINISTRATIVE LAW

July 27, 2020

Our Ref.: 347-20/JJW
346-20/JJW

Via ECF

Magistrate Judge James L. Cott
United States Magistrate Judge
United States District Court
Southern District of New York
U. S. Courthouse -500 Pearl Street
New York, New York 10007-1312

Re: Wells Fargo Bank, N.A. v. Bouchard Transportation Co., Inc., et al.
1:20-cv-04695-LTS-JLC
Billybey Marina Services, LLC v. Bouchard Transportation Co., Inc., et al.
1:20-cv-04922-LTS-JLC

Dear Judge Cott:

In accordance with your individual rules, we are requesting a pre-motion conference in anticipation of a motion for the undersigned firm to be relieved as counsel to Defendant Bouchard Transportation Co., Inc. in both of the above matters.

In *Billybey Marina Services, LLC v. Bouchard Transportation Co., Inc., et al.*, 20-cv-04922, we have entered appearances for Bouchard Transportation Co., Inc., B. No. 210 Corporation, B. No. 230 Corporation, B. No. 250 Corporation, B. No. 252 Corporation, B. No. 260 Corporation, B. No. 262 Corporation, B. No. 282 Corporation and the B. No. 284 Corporation, and the Tug Evening Star Corporation, the Motor Tug Ellen S. Bouchard Corporation and the Tug Jane A. Bouchard Corporation.

In *Wells Fargo Bank, N.A. v. Bouchard Transportation Co. Inc.*, 20-cv-4695, we have entered an appearance for Bouchard Transportation.

We are asking to withdraw our representation of the above Defendants in both matters for two reasons: we have been instructed by Bouchard Transportation Co., Inc. to withdraw in all matters in which we represent Bouchard Transportation including these two matters; secondly, we have not been paid for our representation in the other matters in which we represent Bouchard Transportation and its affiliates.

On July 15, 2020, prior to attending a status conference before Magistrate Judge Lois Bloom in *Caddell Dry Dock and Repair Co., Inc. v. Bouchard Transportation Co., Inc.*, 20 cv 685 (EDNY), we were instructed by our client by e mail to withdraw from all cases in which we represented Bouchard Transportation. We so advised Judge Bloom and upon moving to be relieved, we were granted permission to withdraw by Judge Bloom who ordered Bouchard Transportation to appoint new counsel.

In a later email, Bouchard Transportation indicated that it may be having second thoughts about instructing us to withdraw. However, there is a second basis for withdrawing: we have not been paid in other cases.

We represent Bouchard Transportation in three matters in this Court, in three matters in the Eastern District of New York and in three matters in the New York State Supreme Court. In none of these matters have we been paid for our services. We have also provided services to Bouchard Transportation in other matters both in and outside of New York in which we have not been paid. This has imposed an undue burden on the firm and it would be unfair for us to continue as counsel to Bouchard Transportation without the prospect of any payment for our services.

We have not rendered any invoices in the two instant matters because the cases have only recently commenced.

We are not certain that the motion will be unopposed and therefore, respectfully request a pre-motion conference.

Respectfully submitted,
FREEHILL, HOGAN & MAHAR LLP



John J. Walsh

JJW:ac

cc: **Via Electronic Mail and First Class Mail**
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